

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Deborah Gibbons

v.

Case No. 08-mc-005-JM

United States Postal Service,
Office of the Inspector General

ORDER

On February 21, 2008, the Plaintiff filed a "Motion for Order Pursuant to Customer Challenge Provision of the Right to Financial Privacy Act of 1978" (Doc. No. 1), ostensibly pursuant to 12 U.S.C. § 3410. That filing contained no certificate or service or any other indication of service on the Defendant. By letter dated February 22, 2008, the Clerk's Office notified the Plaintiff of the following service requirement of 12 U.S.C. § 3410 (a)(2):

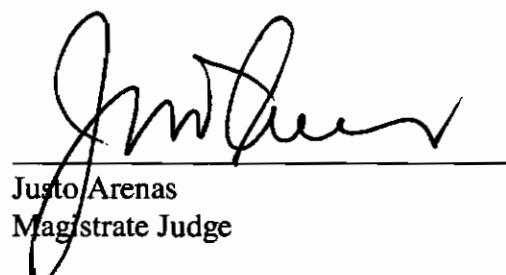
Service shall be made under this section upon a Government authority by delivering or mailing by registered mail or certified mail a copy of the papers to the person, office, or department specified in the notice which the customer has received pursuant to this chapter. For the purposes of this section, "delivery" has the meaning stated in Rule 5 (b) of the Federal Rules of Civil Procedure.

The letter further instructed the Plaintiff to effectuate service consistent with this provision and, upon completion of service, to file an Affidavit of Service with executed receipts of service attached. The Clerk's Office followed up with three separate telephone calls to the Plaintiff inquiring on the status of service during the week of March 17, 2008. To date the Plaintiff has filed no Affidavit of Service or any other service documents.

Based on the foregoing, the Plaintiff's Motion for Order Pursuant to Customer Challenge Provisions of the Right to Financial Privacy Act of 1978 (Doc. No. 1) is denied for failure to properly serve the Defendant as required by 12 U.S.C. § 3410 (a)(2).

SO ORDERED.

Date: March 27, 2008



Justo Arenas
Magistrate Judge

cc: **Deborah Gibbons, pro se**
John J. Farley, Esq.